

EXCERPTS  
OF  
TESTIMONY  
OF

**DONALD E. ALBERT**

*NORTH COUNTY COMMUNICATIONS*

vs.

*VERIZON (WEST VIRGINIA)*

*CASE NO. 02-0254*

BEFORE THE WEST VIRGINIA PUBLIC SERVICE COMMISSION  
VOLUME THREE OF THREE  
NORTH COUNTY COMMUNICATIONS CORPORATION,

Complainant,

v. CASE NO. 02-0254-T-C

VERIZON WEST VIRGINIA, INC.,

Defendant.

CASE NO. 02-0722-T-CN  
NYNEX LONG DISTANCE COMPANY, dba  
Verizon Enterprise Solutions.

Application and filing for a Certificate of  
Convenience and Necessity to provide resold  
interexchange telecommunications services and for  
authority to handle local calls that are placed  
using the applicant's 800 access number.

CASE NO. 02-0723-T-CN  
BELL ATLANTIC COMMUNICATIONS, INC.,  
Dba Verizon Long Distance.

Application and filing for a Certificate of  
Convenience and Necessity to provide resold  
interexchange telecommunications services and for  
authority to handle local calls that are placed  
using the applicant's 800 access number.

TRANSCRIPT OF PROCEEDINGS had and testimony adduced at  
the administrative hearing in the above referenced matter,  
held on October 18, 2002 at 9:30 a.m. in the Howard M.  
Cunningham Hearing Room, 201 Brooks Street, Charleston,  
Kanawha County, West Virginia before JAMES D. WILLIAMS,  
Commission Chairman, and MARTHA Y. WALKER, Commissioner,  
pursuant to notice duly given to all interested parties.

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Attending Reporter: Philip S. Dye, C.C.R.

1 dealing with?

2 A No.

3 Q Strange? Whatever terminology you  
4 want to use. Unusual, unique --

5 A No. I did not get involved until  
6 about the middle of July.

7 Q Let me ask this, because I think I  
8 asked if of Ms. McKernan yesterday and she said you  
9 were probably the better person to ask, or someone  
10 else within the Verizon structure, organization. If  
11 there's no policy that Verizon has, policy practice,  
12 that it will not interconnect at loop facilities,  
13 shared loop facilities, would there be -- would  
14 there be a reason Verizon would object to an order  
15 that made it clear that Verizon is expected to  
16 interconnect at loop facilities if requested and the  
17 capacity exists?

18 A Yeah, I think there would be a number  
19 of problems. The -- I guess the first would be  
20 maybe just the overall broadness of that as a  
21 requirement --

22 Q Let's say -- let's take it back and  
23 say interconnect at loop facilities where  
24 technically feasible?

1           A       That narrows it, because there are  
2       going to be a number of ones, because of cabling  
3       distances and the configuration of the multiplexers,  
4       where it would not be technically feasible. The --  
5       what you just stated, though, the further  
6       difficulties that you would still encounter, that  
7       would go against a number of our existing  
8       interconnection agreements. For instance, in the  
9       MCI interconnection agreement, and there are others  
10      that are like it, and each agreement's a little bit  
11      different, but in the MCI interconnection agreement  
12      it very clearly says that the facilities on  
13      Verizon's side of the POI, the point of  
14      interconnection, that Verizon provides those  
15      physical facilities, owns them and that we're  
16      responsible for engineering them and we're  
17      responsible for maintaining them. And it also says,  
18      correspondingly, on the CLEC's side of the POI, or  
19      point of interconnection, and that's where our wires  
20      and their wires physically come together, they're  
21      required to do the engineering and to do the  
22      maintenance. So to begin with, that broad of an  
23      order would conflict with a number of  
24      interconnection agreements we have that people have

1 already agreed to that say each party is responsible  
2 for their own engineering decisions for the  
3 equipment that they have to provide and for the cost  
4 that they have to incur.

5 I think the other problem that we  
6 would have is, there would be some CLECs that would  
7 go nuts. For instance, MCI is very, very service  
8 quality conscious. And MCI is after us to -- not  
9 after us, I mean, we've been trying to develop some  
10 different methods, but they are interested in a  
11 method of interconnection between our switches that  
12 is even a more robust and more battleship version  
13 than what the current interoffice facility design  
14 is. Interconnection between the two switches for  
15 loop multiplexers is, unto the design, it is less  
16 reliable and it is less secure, so some carriers, if  
17 we were required to have to interconnect with a loop  
18 MUX, somebody like MCI would go absolutely crazy.

19 Q Well wouldn't Verizon -- let's back  
20 up a bit. If Verizon were asked to interconnect at  
21 a facility that was technically infeasible, and I  
22 presume that lack of capacity or the shared end user  
23 objects, for example, it could bring that to the  
24 Commission and say it's not feasible to interconnect

1 at this point, and it could tell the requesting  
2 carrier we can't do it at this particular point,  
3 it's a violation of the agreement, you know, you  
4 don't have MCI's permission, whatever. That could  
5 be brought to the Commission? As a basis for  
6 refusing to do it?

7 A Certainly could. I mean, there are  
8 other problems, too. Can I finish with the -- the  
9 trouble report, we would need a waiver, really, on  
10 service quality, because the trouble report rate  
11 would be higher with interconnecting on a loop MUX.  
12 The times to fix the trouble -- the failure rate  
13 would be higher. I describe why in my written  
14 testimony. The time to fix the troubles would be  
15 greater with a loop multiplexer and I describe why.  
16 The time that it would take us to provision trunk  
17 orders over a loop multiplexer would also be longer,  
18 and I describe why, so we would need waivers  
19 relative to those service performance metrics.  
20 Those are things today that are going to go into the  
21 performance assurance plan that have been submitted  
22 to the Commission, and we have a broad requirement  
23 to provide parity. We can always do something less  
24 --

1           Q       And I believe there's actually a  
2       process in the performance assurance plan that  
3       allows Verizon to come in and sort of -- waivers,  
4       or, if you will, exemptions, exceptions to the  
5       metrics based on something that the CLEC is doing?

6           A       That's true. So you would need some  
7       consideration given to those items. I guess in  
8       summary, I won't go through all of the difficulties,  
9       but that broad of a requirement, I think, would  
10      force us into doing some bad engineering in some  
11      particular cases, and that bad engineering would  
12      wind up, as I talked earlier, without being able to  
13      make the necessary evaluations and with the trunk  
14      forecasts and being able to get the calls through,  
15      if we do bad engineering then there's going to be  
16      negative service impacts not only to the CLEC, but  
17      then also to other subscribers. I think a very  
18      broad requirement like that would force us, in some  
19      cases, to do bad engineering.

20          Q       If there's adverse service to a  
21      CLEC's customers because they choose to interconnect  
22      to a loop facility, and frankly, that's really going  
23      to be the party that has to endure the complaints,  
24      because they're end users are going to get poor

1 service quality, correct?

2 A Yes, but there's also a negative  
3 impact to other end users.

4 CHAIRMAN WILLIAMS: Excuse me, Mr.  
5 Pearlman, where's this going?

6 MR. PEARLMAN: I just wanted to --

7 CHAIRMAN WILLIAMS: He defined that it  
8 was technically feasible to make the connection with  
9 the equipment at 405 Capitol Street. He is now  
10 doing a recitation of what bad engineering might  
11 occur if he doesn't something different. Where do  
12 you want him to go?

13 MR. PEARLMAN: I want to just finish  
14 up about who assumes, if you will, the risk of bad  
15 engineering decisions in this situation.

16 CHAIRMAN WILLIAMS: Okay.

17 BY MR. PEARLMAN:

18 Q I guess, let me just ask that  
19 question. If a CLEC -- a CLEC would, if I  
20 understand how these things work, would assume the  
21 risk of bad engineering if they want to interconnect  
22 at a loop facility?

23 A And what I was trying to describe,  
24 and what I think I had in my written testimony, the



1 negative service impacts also would spill onto other  
2 end users that were being used on that facility as  
3 well as possibly other carriers, so what could be  
4 effected would be people getting their basic dial  
5 tone as well as other carriers and other customers.

6 Q Have any of the end users served off  
7 the OC3 MUX at 405 Capitol -- and I assume there are  
8 Verizon customers that are served off of that MUX,  
9 have they filed complaints or made complaints to  
10 Verizon about outages, problems, transmission  
11 service --

12 A None that I'm aware of.

13 Q We've talked about this whole sort of  
14 case by case versus not interconnecting at retail  
15 facilities. Do you have authority to establish  
16 Verizon engineering policy?

17 A No. No, I would be a part of coming  
18 up with one if we did.

19 Q So you don't set Verizon policy?

20 A No. You'd have to go a couple of  
21 Kahunas above me to get policy type people, but in  
22 general we have very few policies that apply to  
23 engineering. Engineering, by nature, is one of a  
24 kind and individually designed, so although I guess

1 policy makes sense to regulatory people, when it  
2 comes to things that we engineer, I really can't  
3 find anything that I would point at and say, this is  
4 an always, always, always. Because by nature, if  
5 you're going to engineer it you're going to do it  
6 case specific.

7 Q Again, though, that's not a per se --  
8 I think you said that's how we do it. If I  
9 understand, what you're telling me is not Verizon  
10 policy because you don't set Verizon policy? Right?

11 A I do not set Verizon policy, that's  
12 correct. I would be a part of creating it on  
13 something like this --

14 Q That's all I asked. Let me get this  
15 cleared up. We talked about the March, 2001  
16 forecast that forecast, I think it was 89 DSIs, it  
17 was the large forecast that came in in March which  
18 made it clear that the OC3 could not have been used  
19 at 405 Capitol for interconnection?

20 A Correct.

21 Q Well -- strike that. I'm not going  
22 to pursue that line of questioning. If you'll bear  
23 with me just a moment while I fish through these  
24 things. I believe it was NCC's exhibit K that Mr.

1 Kelsh asked you a couple of questions about earlier  
2 and it was, in particular, testimony of Mr. Visser,  
3 I believe it was on page five. Let me know when you  
4 have that?

5 A Got it.

6 Q In looking --

7 MS. HYER: Which exhibit?

8 MR. PEARLMAN: Exhibit K.

9 MS. HYER: K, oh, I'm sorry.

10 BY MR. PEARLMAN:

11 Q In that testimony it -- I'm sorry to  
12 re-read it, it says, fourth, we explain why Verizon,  
13 Maryland used dedicated entrance facilities for  
14 interconnection rather than outside plant facilities  
15 and why dedicated facilities were necessary and  
16 appropriate before. Mr. Visser works for Verizon  
17 Services Corporation? Is that your understanding?

18 A I do not know absolutely, but I would  
19 assume so. I know he does work in multiple states  
20 and I think when you do work in multiple states  
21 you're paid by Verizon Services.

22 CHAIRMAN WILLIAMS: The testimony says  
23 Mr. Visser is manager of sales support for Verizon  
24 Services Group and a business address in Valhalla,

1 New York.

2 BY MR. PEARLMAN:

3 Q Okay. Well that would be consistent  
4 with not Verizon, Maryland, but Verizon Services  
5 Corporation?

6 A Correct.

7 Q I think you explained that what he  
8 meant was that Verizon, Maryland hasn't  
9 interconnected -- has used dedicated entrance  
10 facilities for interconnection in Maryland, that no  
11 other type of interconnection had been done in  
12 Maryland?

13 A For the situations where Verizon  
14 builds the transport, correct. I mean, there are a  
15 lot of other types of interconnection like  
16 collocation and mid-span meets and other methods,  
17 but for the case where Verizon builds those  
18 facilities, because they're owned and operated and  
19 maintained by Verizon, I think he's describing that  
20 set of circumstances as a subset of all the  
21 interconnections.

22 Q And I think we had testimony  
23 yesterday, and I should probably get you to be the  
24 person that testified about this, Verizon Services

1 Corporation acts on behalf of the operating Verizon  
2 companies to implement interconnection, is that  
3 correct?

4 A I guess so. I mean, I think I'm paid  
5 by them and I'm involved in multiple states and I  
6 think that's the case for most of the people that  
7 work on it.

8 Q At least for Maryland that appears to  
9 be the case?

10 A And if that's the case for Maryland,  
11 it'd be true for West Virginia also.

12 Q Okay. So interconnection is -- in  
13 Maryland, is handled, if you will, the design, the  
14 implementation, the arrangements for interconnection  
15 are handled by Verizon Services Corporation?

16 A Correct.

17 Q Let's go to NCC Exhibit Eight.

18 A Did you say H?

19 Q Eight. I'm sorry.

20 A Eight. Okay.

21 Q This is the portion of the Verizon,  
22 Maryland surrebuttal testimony.

23 A Ah.

24 Q What I'd like to do, I think you were